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20 DEC 2005

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In re Application of MORALES-BALADO et al :
U.S. Application No.: 10/537,738 :
PCT Application No.: PCT/MX02/00105 : DECISION
Int. Filing Date: 08 November 2002 :
Priority Date Claimed: (none) :
Attorney Docket No.: MORALES1 :
For: PREPARATION OF IMPACT-RESISTANT :
THERMOPLASTIC MATERIALS. . . :

This is in response to applicant's "Petition to Revive Under 37 CFR 1.137(b)" filed 08 June 2005.

BACKGROUND

On 08 November 2002, applicant filed international application PCT/MX02/00105. A copy of the international application was communicated to the USPTO from the International Bureau on 21 May 2004. The thirty-month period for paying the basic national fee in the United States expired on 08 May 2005.

International application PCT/MX02/00105 became abandoned as to the United States for failure to timely pay the basic national fee.

On 08 June 2005, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required basic national fee under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.



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